

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL E. WITHEY, and SHARON  
MAEDA;

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION  
(FBI),

Defendant.

Case No. 2:18-CV-01635-JCC

SIXTH DECLARATION OF  
MICHAEL G. SEIDEL

I, Michael G. Seidel, declare that the following statements are true and correct to the best of my knowledge and are based on my own personal knowledge, on information contained in the records of the Federal Bureau of Investigation ("FBI"), or on information supplied to me by employees under my supervision. If called upon to testify, I would testify competently to the facts set forth in this declaration.

1. I am the Section Chief of the Record/Information Dissemination Section ("RIDS"), Information Management Division ("IMD"), FBI, Winchester, Virginia. My previous declaration dated July 30, 2020 explained my employment history and responsibilities at the FBI. See ECF No. 95, Second Declaration of Michael G. Seidel (hereafter referred to as "Second

1 Seidel Declaration”).

2       2.       This declaration supplements the Fifth Declaration of Michael G. Seidel (ECF  
3 115) as well as the previous declarations in this case described in ¶ 2 of that declaration. The  
4 background of this matter is set forth in these prior declarations and will not be fully recounted.  
5 Only information directly relevant to this declaration has been repeated or referenced.

6       3.       The FBI submits this declaration in further support of its Opposition to Plaintiffs’  
7 Motion for Reasonable Attorneys’ Fees and Costs, ECF 122. This declaration provides the Court  
8 and Plaintiffs with information regarding the scope of the ten releases of information made in  
9 this case.

10       4.       On May 1, 2019, the FBI made its first litigation release,<sup>1</sup> addressing Bates-  
11 numbered pages 18-cv-01635-1 through 18-cv-01635-513. This reflects the first release of  
12 records located from the FBI’s index search for responsive main and cross reference files, as  
13 further described in the First Hardy Declaration, ECF 30 ¶¶ 42-46 and Third Hardy Declaration,  
14 ECF 43 ¶¶ 3-8. (Ex. A.)

15       5.       On May 31, 2019, the FBI made its second release, addressing Bates-numbered  
16 pages 18-cv-01635-104(1)-104(4), 108(1)-108(4), 119(1), 127(1)-127(6), 129(1)-129(6), 134(1)-  
17 134(2), 148(1)-148(4), 149(1), 162(1), 182(1), 187(1)-187(3), 189(1), 198(1), 207(1), 208(1),  
18 215(1), 217(1), 218(1), 236(1), 236(2), as well as 18-cv-01635-514 through 18-cv-01635-695.  
19 This reflects the second release of records located from the FBI’s index search for responsive  
20 main and cross reference files, as further described in the First Hardy Declaration, ECF 30 ¶¶ 42-  
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23 <sup>1</sup> The first and second litigation releases included the reprocessing and Bates stamping of 658 pages that the FBI had  
previously processed and released to Plaintiffs prior to Plaintiffs’ appeal and litigation. The nonexempt portions of  
those records had been provided to Plaintiffs by letter dated April 26, 2018. See ECF 30-17. They were re-released  
to Plaintiffs again through the first and second litigation releases.

1 46 and Third Hardy Declaration, ECF 43 ¶ 7. **(Ex. B.)**

2 6. On November 20, 2019, the FBI made its third release, addressing Bates-  
3 numbered pages 18-cv-01635-696 through 18-cv-01635-705. This production reflects pages  
4 from FBI file number 195B-SE-11 that mention Mr. Levane Forsythe. **(Ex. C.)**; *see also* First  
5 Hardy Decl., ECF 30 ¶ 49; Third Hardy Decl., ECF 43 ¶ 9.

6 7. On January 16, 2020, the FBI made its fourth release, addressing Bates-numbered  
7 pages 18-cv-01635-706 through 18-cv-01635-725. This production reflects pages from FBI file  
8 46-HQ-15639, the file inadvertently accessioned to NARA and subsequently copied and released  
9 by the FBI. **(Ex. D.)**; *see also* First Hardy Decl., ECF 30 ¶ 45; Third Hardy Decl., ECF 43 ¶ 15.

10 8. On May 26, 2020, the FBI made its fifth release, addressing Bates-numbered  
11 pages 18-cv-01635-101, 103, 110-113, 114, 119, 120-122, 124-125, 130-132, 134, 138, 142,  
12 149, 180-181, 186, 190-191, 198-199, 201-202, 211, 214, 226-228, 233, 236-239, 242-243, 254,  
13 257-262, 265, 336-341, 343-347, 348-349, 351-353, 356, 358-359, 377, 380-388, 390-398, 402-  
14 403, 407, 409, 427-429, 433-434, 440, 442, 449, 457, 464-474, 487, 490, 514-518, 537, 541,  
15 545, 547, 554, 556, 560, 562, 566, 573, 580, 589, 596-597, 599, 604-605, 618-620, 630-632,  
16 639, 642-644, 677-679, 696, 699, 104(1), 104(3)-104(4), 108(1)-108(3), 127(1), 127(3)-127(4),  
17 129(1)-129(6), 134(2), 149(1), 182(1), 198(1), 215(1), and 236(1)-236(2), representing 172  
18 pages in total. This production reflects pages reprocessed after the FBI's review of records in  
19 light of documents Plaintiff provided, *see* ECF 69, as further described in the First Seidel  
20 Declaration, ECF 90, ¶¶ 10-12, 19-25. **(Ex. E.)**

21 9. On July 22, 2020, the FBI made its sixth release, addressing Bates-numbered  
22 pages 18-cv-01635-260, 348, 359, and 445. This production reflects the FBI's reprocessing of  
23 various pages upon completion of the Vaughn Index, as further described in the Second Seidel

1 Declaration, ECF 95, ¶ 6. **(Ex. F.)**

2 10. On August 11, 2020, the FBI made its seventh release, addressing Bates-  
3 numbered pages 18-cv-01635-726 through 18-cv-01635-749. This production reflects the FBI's  
4 processing of a signed statement of Mr. Forsythe regarding the circumstances around Howard  
5 Hughes' missing person status from FBI file 62-LV-582, as further described in the Third Seidel  
6 Declaration, ECF 100, ¶ 4. **(Ex. G.)**

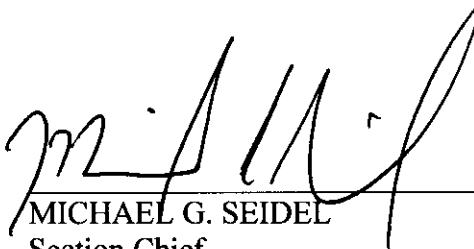
7 11. On August 12, 2020, the FBI made its eighth release, addressing Bates-numbered  
8 pages 18-cv-01635-750 through 18-cv-01635-800. This production reflects the FBI's processing  
9 of additional serials from FBI file 62-LV-582, as further described in the Third Seidel  
10 Declaration, ECF 100, ¶ 7. **(Ex. H.)**

11 12. On August 18, 2020, the FBI made its ninth release, addressing Bates-numbered  
12 pages 18-cv-01635-801 through 18-cv-01635-820. This production reflects the FBI's processing  
13 of serials from FBI file 62-HQ-99801, as further described in the Fourth Seidel Declaration, ECF  
14 103, ¶ 4. **(Ex. I.)**

15 13. On August 20, 2020, the FBI made its tenth and final release, addressing Bates-  
16 numbered pages 18-cv-01635-265, 349, 360, 415, 479, and 687, as further described in the  
17 Fourth Seidel Declaration, ECF 103, ¶ 5. This final production reflects six pages in which it  
18 released the name of former Assistant Special Agent in Charge ("ASAC") George Fisher in his  
19 official capacity as the ASAC of the FBI's Seattle Field Office. The FBI determined that, unlike  
20 some similar offices, the Seattle Field Office lists the names of its ASACs on the FBI's public  
21 website; while no such website existed in the 1980s at the time ASAC Fisher's name appeared in  
22 the documents, the FBI determined it could release ASAC Fisher's name in this context. **(Ex. J.)**

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
2 and correct, and that Exhibits A through J attached hereto are true and correct copies.

3 Executed this 19<sup>th</sup> day of May 2021.

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MICHAEL G. SEIDEL  
Section Chief  
Record/Information Dissemination Section  
Information Management Division  
Federal Bureau of Investigation  
Winchester, Virginia  
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